

An
Bord
Pleanála

Board Direction
BD-012070-23
ABP-313176-22

The submissions on this file and the Inspector's report were considered at a Board meeting held on 03/05/2023.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

Reasons and Considerations

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

In coming to its decision, the Board had regard to the following:

- a. The site's location on lands with a zoning objective for residential development;
- b. The policies and objectives in the Dun Laoghaire Rathdown Development Plan 2022-2028
- c. Nature, scale and design of the proposed development;
- d. Pattern of existing development in the area;
- e. The Rebuilding Ireland Action Plan for Housing and Homelessness 2016;
- f. Housing for All – A New Housing Plan for Ireland, 2021

- g. The National Planning Framework issued by the Department of Housing, Planning and Local Government in February 2018;
- h. Regional Spatial and Economic Strategy for the Eastern and Midland Region;
- i. The Guidelines for Sustainable Residential Developments in Urban Areas and the accompanying Urban Design Manual – a Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009;
- j. The Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2013;
- k. Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of the Environment, Community and Local Government in December 2020;
- l. The Urban Development and Building Heights Guidelines for Planning Authorities 2018;
- m. The Planning System and Flood Risk Management’ (including the associated ‘Technical Appendices’) 2009;
- n. Chief Executive’s Report;
- o. Inspectors Report; and
- p. Submissions and observations received.

It is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms of urban design, height and quantum of development and would be acceptable in terms of traffic and pedestrian safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment:

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on European Sites, taking into account the nature and scale of the proposed development on serviced lands, the nature of the receiving environment which comprises a built-up urban area, the distances to the

nearest European sites, and the hydrological pathway considerations, submissions on file, the information submitted as part of the applicant's Appropriate Assessment Screening documentation and the Inspector's report. In completing the screening exercise, the Board agreed with and adopted the report of the Inspector and that, by itself or in combination with other development, plans and projects in the vicinity, the proposed development would not be likely to have a significant effect on any European Site in view of the conservation objectives of such sites, and that a Stage 2 Appropriate Assessment is not, therefore, required

Environmental Impact Assessment

The Board completed, in compliance with s.172 of the Planning and Development Act 2000, an Environmental Impact Assessment of the proposed development, taking into account: (a) The nature, scale and extent of the proposed development; (b) The Environmental Impact Assessment Report and associated documentation submitted in support of the application, (c) The submissions from the applicant, planning authority, observers and the prescribed bodies in the course of the application; and (d) The Planning Inspector's report.

The Board considered that the environmental impact assessment report, supported by the documentation submitted by the applicant, adequately identifies and describes the direct, indirect, secondary and cumulative effects of the proposed development on the environment.

The Board agreed with the examination, set out in the Inspector's report, of the information contained in the environmental impact assessment report and associated documentation submitted by the applicant and submissions made in the course of the planning application.

The Board completed an environmental impact assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures set out in the environmental impact assessment report and subject to compliance with the conditions set out below, the effects on the environment of the proposed development, by itself and in combination with other development in the vicinity, would be acceptable. In doing so, the Board adopted the report and conclusions of the Inspector.

Reasoned Conclusion on Significant Effects

The Board considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the applicant, provided information which is reasonable and sufficient to allow the Board to reach a reasoned conclusion on the significant effects of the proposed development on the environment, having taken into account, current knowledge and methods of assessment.

The Board is satisfied that the information contained in the Environmental Impact Assessment Report is up to date and complies with the provisions of EU Directive 2014/52/EU amending Directive 2011/92/EU. Having regard to the examination of environmental information contained above, and in particular to the Environmental Impact Assessment Report and supplementary information provided by the developer, and the submissions from the planning authority, prescribed bodies and observers in the course of the application.

- Population and human health impacts mitigated by appropriate construction and operational management plans. Direct positive effects with regard to population and material assets due to the increase in population to help sustain and generate improvements to physical infrastructure in the area.
- Biodiversity impacts mitigated by additional planting/landscaping and appropriate work practices.
- Land, soils, geology and hydrogeology impacts mitigated by construction management measures including removal of contaminated soil, minimal removal of topsoil and subsoil; management and maintenance of plant and machinery; dust suppression measures.
- Hydrology impacts to be mitigated by management of surface water run-off during construction to prevent run off discharging directly into watercourses.
- Climate and Air Quality impacts mitigated by dust minimisation plan.
- Noise and Vibration impacts mitigated by adherence to requirements of relevant code of practice.
- Landscape and Visual impacts would be significant with a direct effect on land by the change in the use and appearance of a relatively large brownfield site

to residential. Given the location of the site within the urban area and the public need for housing in the region, this effect would not have a significant negative impact on the environment.

- Cultural Heritage, Archaeology and Architectural Heritage would be mitigated by landscaping. Given the location of the site within the urban area no significant adverse direct, indirect or cumulative effects are likely to arise.
- Traffic and Transportation impacts mitigated by the management of construction traffic by way of Construction and Environmental Management Plans.
- An upgrade of utilities and telecommunications will have a long-term positive impact for the site and the surrounding area.
- Resource and Waste Management impacts which will be mitigated by preparation of site-specific Construction and Demolition Waste Management Plan

The Board completed an environmental impact assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures set out in the environmental impact assessment report, and subject to compliance with the conditions set out below, the effects on the environment of the proposed development, by itself and in combination with other development in the vicinity, would be acceptable. In doing so, the Board adopted the report and conclusions of the Inspector.

Conclusions on Proper Planning and Sustainable Development:

The Board considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property/land in the vicinity, would be consistent with national and local planning policy and would be acceptable in terms of design, scale, height, quantum of development, and in terms of pedestrian and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

The Board considered that the proposed development is compliant with the provisions of the Dun Laoghaire Rathdown Development Plan 2022-2028 and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development, or as otherwise stipulated by conditions hereunder, and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of clarity.

2. The period during which the development hereby permitted may be carried out shall be 10 years from the date of this order.

Reason: Having regard to the nature and scale of the development, the Board considers it appropriate to specify a period of validity of this permission in excess of five years.

3. Mitigation and monitoring measures outlined in the plans and particulars, including the Environmental Impact Assessment Report submitted with this application as set out in Chapter 22 – Schedule of Mitigation Measures, shall be carried out in full, except where otherwise required by conditions attached to this permission.

Reason: In the interest of protecting the environment and in the interest of public health.

4. The proposed development shall be amended as follows:

(a) The following units as outlined in the architectural drawings submitted with the application shall be amalgamated to form two-bed (three person) units:

(i) **Block 7**

- Unit B07-00-05 (one-bed) and Unit B07-00-06 (two-bed four person) shall be revised to form two two-bed three person units.

(b) The following units as outlined in the architectural drawings submitted with the application shall be amalgamated to form two-bed (four person) units:

(i) **Block 02**

- Unit B2-B1-06 (one-bed) with Unit B2-B1-07 (studio).

(ii) **Block 03**

- Unit B03-01-13 (studio) with Unit B03-01-14 (studio).
- Unit B03-02-15 (studio) with Unit B03-02-16 (studio).
- Unit B03-03-15 (studio) with Unit B03-03-16 (studio).
- Unit B03-04-13 (studio) with Unit B03-04-14 (studio).
- Unit B03-05-13 (studio) with Unit B03-05-14 (studio).

(iii) **Block 04**

- Units B04-00-05 (studio), B04-00-06 (three-bed five person) and Unit B04-00-07 (two-bed three person) shall be revised to provide two two-bed units.
- Unit B04-05-05 (one-bed) with Unit B04-05-06 (studio).

(iv) **Block 06**

- Unit B06-01-03 (studio) and Unit B06-00-02 (one-bed).
- Unit B06-00-04 (studio) and Unit B06-01-05 (one-bed).
- Unit B06-02-01 (studio) and Unit B06-02-05 (one-bed).

- Unit B06-02-12 (studio) and Unit B06-02-08 (one-bed).
- Unit B06-03-01 (studio) and Unit B06-03-05 (one-bed).
- Unit B06-03-12 (studio) and Unit B06-03-08 (one-bed).

(v) **Block 07**

- Unit B07-01-13 (two-bed four person) and Unit B07-01-17 (three-bed five person) shall be revised to provide two two-bed units.
- Units B07-01-34 (two-bed four person), B07-01-36 (two-bed four person) and Unit B07-01-38 (one-bed) shall be revised to provide two two-bed units.
- Unit B07-02-13 (two-bed four person) and Unit B07-02-17 (three-bed five person) shall be revised to provide two two-bed units.
- Units B07-02-34 (two-bed four person), B07-02-36 (two-bed four person) and Unit B07-02-38 (one-bed) shall be revised to provide two two-bed units.
- Unit B07-03-13 (two-bed four person) and Unit B07-03-17 (three-bed five person) shall be revised to provide two two-bed units.
- Units B07-03-34 (two-bed four person), B07-03-36 (two-bed four person) and Unit B07-03-38 (one-bed) shall be revised to provide two two-bed units.
- Unit B07-04-13 (two-bed four person) and Unit B07-04-17 (three-bed five person) shall be revised to provide two two-bed units.
- Units B07-04-34 (two-bed four person), B07-04-36 (two-bed four person) and Unit B07-04-38 (one-bed) shall be revised to provide two two-bed units.
- Units B07-05-34 (two-bed four person), B07-05-36 (two-bed four person) and Unit B07-04-38 (one-bed) shall be revised to

provide two two-bed units.

(vi) **Block 10**

- Unit B10-01-13 (studio) and Unit B10-01-14 (one-bed).
- Unit B10-01-20 (studio) and Unit B10-01-22 (one-bed).
- Unit B10-02-13 (studio) and Unit B10-02-14 (one-bed).
- Unit B10-02-20 (studio) and Unit B10-02-22 (one-bed).
- Unit B10-03-13 (studio) and Unit B10-03-14 (one-bed).
- Unit B10-03-20 (studio) and Unit B10-03-22 (one-bed).
- Unit B10-04-13 (studio) and Unit B10-04-14 (one-bed).
- Unit B10-04-20 (studio) and Unit B10-04-19 (one-bed).
- Unit B10-05-13 (studio) and Unit B10-05-12 (one-bed).

(c) The following units as outlined in the architectural drawings submitted with the application shall be amalgamated to form three-bed units:

(i) **Block 02**

- Units B2-B1-01 (two-bed four person), B2-B1-02 (two-bed four person) and B2-B1-03 (two-bed four person) shall be revised to provide two three-bed units.
- Unit B2-B1-04 (one-bed) with Unit B2-B1-05 (one-bed).
- Unit B2-B1-12 (one-bed) with Unit B2-B1-13 (one-bed).
- Unit B2-00-05 (one-bed) with Unit B2-00-06 (one-bed).
- Unit B2-00-11 (one-bed) with Unit B2-00-12 (one-bed).
- Unit B2-00-19 (one-bed) with Unit B2-00-21 (one-bed).
- Unit B2-00-18 (one-bed) with Unit B2-00-20 (one-bed).
- Unit B2-00-16 (one-bed) with Unit B2-00-18 (one-bed).
- Unit B2-01-04 (one-bed) with Unit B2-01-05 (one-bed).
- Unit B2-01-02 (one-bed) with Unit B2-01-03 (one-bed).

- Unit B2-01-13 (one-bed) with Unit B2-01-14 (one-bed).
- Unit B2-01-15 (one-bed) with Unit B2-01-16 (one-bed).
- Unit B2-02-05 (one-bed) with Unit B2-02-07 (one-bed).
- Unit B2-02-10 (one-bed) with Unit B2-02-11 (one-bed).
- Unit B2-02-23 (one-bed) with Unit B2-02-25 (one-bed).
- Unit B2-02-24 (one-bed) with Unit B2-02-26 (one-bed).
- Unit B2-03-05 (one-bed) with Unit B2-03-07 (one-bed).
- Unit B2-04-05 (one-bed) with Unit B2-04-07 (one-bed).

(ii) Block 03

- Unit B03-00-08 (one-bed) with Unit B00-01-09 (studio).
- Unit B03-01-11 (two-bed four person) with Unit B03-01-12 (one-bed).
- Unit B03-01-16 (two-bed four person) with Unit B03-01-15 (one-bed).
- Unit B03-01-27 (one-bed) with Unit B03-01-28 (one-bed).
- Unit B03-02-07 (two-bed, four person) with Unit B03-02-08 (one-bed).
- Unit B03-02-13 (two-bed four person) with Unit B03-02-14 (one-bed).
- Unit B03-02-29 (one-bed) with Unit B03-02-30 (one-bed)
- Unit B03-03-13 (two-bed four person) with Unit B03-03-14 (one-bed).
- Unit B03-03-29 (one-bed) with Unit B03-03-30 (one-bed).
- Unit B03-04-29 (one-bed) with Unit B03-04-30 (one-bed).
- Unit B03-05-25 (one-bed) with Unit B03-05-26 (one-bed).

(iii) Block 04

- Unit B04-00-04 (one-bed) with Unit B04-00-03 (two-bed three

- person).
- Unit B04-00-08 (two-bed four person) with Unit B04-00-09 (one-bed).
 - Unit B04-00-15 (one-bed) with Unit B04-00-16 (one-bed).
 - Unit B04-01-04 (one-bed) with Unit B04-01-05 (one-bed).
 - Unit B04-01-09 (one-bed), Unit B04-01-10 (studio) and Unit B04-01-11 (two-bed four person).
 - Unit B04-01-17 (one-bed) with Unit B04-01-18 (one-bed).
 - Unit B04-01-21 (one-bed) with Unit B04-01-22 (two-bed three person).
 - Unit B04-02-04 (one-bed) with Unit B04-02-05 (one-bed).
 - Unit B04-02-09 (one-bed), Unit B04-02-10 (studio) and Unit B04-02-11 (two-bed four person).
 - Unit B04-02-17 (one-bed) with Unit B04-02-18 (one-bed);
 - Unit B04-02-21 (one-bed) with Unit B04-02-22 (two-bed three person).
 - Unit B04-03-04 (one-bed) with Unit B04-03-05 (one-bed).
 - Unit B04-03-09 (one-bed), Unit B04-03-10 (studio) and Unit B04-03-11 (two-bed four person).
 - Unit B04-03-17 (one-bed) with Unit B04-03-18 (one-bed).
 - Unit B04-04-05 (one-bed), Unit B04-06 (studio) and Unit B04-04-07 (two-bed four person).

(iv) **Block 5**

- Unit B05-00-05 (one-bed) with Unit B05-00-06 (one-bed).
- Unit B05-00-12 (one-bed) with Unit B05-00-13 (one-bed).
- Unit B05-01-07 (one-bed) with Unit B05-01-09 (one-bed).
- Unit B05-01-08 (studio) with Unit B05-01-10 (two-bed four person).

- Unit B05-01-12 (one-bed) with Unit B05-01-14 (one-bed).
- Unit B05-01-22 (one-bed) with Unit B05-01-24 (one-bed).
- Unit B05-02-08 (studio) with Unit B05-02-10 (two-bed four person).
- Unit B05-02-22 (one-bed) with Unit B05-02-24 (one-bed).
- Unit B05-03-07 (one-bed) with Unit B05-03-09 (one-bed).
- Unit B05-03-12 (one-bed) with Unit B05-03-14 (one-bed).
- Unit B05-03-22 (one-bed) with Unit B05-03-24 (one-bed).
- Unit B05-04-07 (one-bed) with Unit B05-04-09 (one-bed).
- Unit B05-04-16 (one-bed) with Unit B05-04-18 (one-bed).
- Unit B05-04-17 (one-bed) with Unit B05-04-19 (one-bed).
- Unit B05-05-05 (one-bed) with Unit B05-05-07 (one-bed).
- Unit B05-05-05 (one-bed) with Unit B05-05-07 (one-bed).
- Unit B05-05-08 (one-bed) with Unit B05-05-10 (one-bed).

(v) **Block 6**

- Unit B06-01-04 (one-bed) with Unit B06-01-05 (one-bed).
- Unit B06-01-11 (one-bed) with Unit B06-01-12 (one-bed).
- Unit B06-02-03 (one-bed) with Unit B06-01-04 (one-bed).
- Unit B06-03-03 (one-bed) with Unit B06-03-04 (one-bed).

(vi) **Block 7**

- Unit B07-00-01 (one-bed) and Unit B07-05-41 (one-bed).
- Unit B07-01-04 (one-bed) and Unit B07-01-05 (one-bed).
- Unit B07-01-06 (one-bed) and Unit B07-01-07 (one-bed).
- Unit B07-01-11 (one-bed) and Unit B07-01-12 (one-bed).
- Unit B07-01-16 (two-bed four person) and Unit B07-01-18 (one-bed).
- Unit B07-01-21 (one-bed) and Unit B07-05-42 (one-bed).

- Unit B07-01-22 (one-bed) and Unit B07-01-24 (one-bed).
- Unit B07-02-04 (one-bed) and Unit B07-02-05 (one-bed).
- Unit B07-02-11 (one-bed) and Unit B07-02-12 (one-bed).
- Unit B07-02-16 (two-bed four person) and Unit B07-02-18 (one-bed).
- Unit B07-02-22 (one-bed) and Unit B07-01-24 (one-bed).
- Unit B07-03-04 (one-bed) and Unit B07-05-05 (one-bed).
- Unit B07-03-11 (one-bed) and Unit B07-03-12 (one-bed).
- Unit B07-03-18 (one-bed) and Unit B07-03-19 (one-bed).
- Unit B07-03-24 (one-bed) and Unit B07-03-26 (one-bed).
- Unit B07-04-04 (one-bed) and Unit B07-04-05 (one-bed).
- Unit B07-04-11 (one-bed) and Unit B07-04-12 (one-bed).
- Unit B07-04-18 (one-bed) and Unit B07-04-19 (one-bed).
- Unit B07-04-24 (one-bed) and Unit B07-04-26 (one-bed).
- Unit B07-05-04 (one-bed) and Unit B07-05-05 (one-bed).
- Unit B07-05-11 (one-bed) and Unit B07-05-12 (one-bed).
- Unit B07-05-18 (one-bed) and Unit B07-05-19 (one-bed).
- Unit B07-05-24 (one-bed) and Unit B07-05-26 (one-bed).

(vii) **Block 10**

- Unit B10-00-05 (one-bed) and Unit B10-00-06 (one-bed).
- Unit B10-00-17 (one-bed) and Unit B10-00-19 (one-bed).
- Unit B10-00-23 (two—bed four person) and Unit B10-00-21 (one-bed).
- Unit B10-05-04 (one-bed) and Unit B10-00-66 (one-bed).

(d) The three storey building (Units B9-H5, B9-H6, B9-00-07, B9-00-08, B9-D5 and B9-06) located to the northeast of Annville Residences pertaining to Block 9 be omitted.

- (e) The first floor windows on the northern and southern elevations of units B8-01-D1, B8-01-D2, B8-01-D3, B8-01-D4, B8-01-D5 and B8-01-D6 in Block 08 shall be omitted and replaced with windows on the rear (western) elevation.
- (f) The second floor level windows serving units B08-01-D1, B08-01-D3 B08-01-D5 in Block 08 shall be relocated from the northern elevation to the southern elevation.
- (g) At second floor level in units B08-01-D1, B08-01-D2, B08-01-D3, B08-01-D4, B08-01-D5 and B08-01-D6 in Block 08 high level windows shall be provided on the rear (western) elevation. These windows shall be permanently fitted with obscure glazing.
- (h) The first floor windows on the eastern and western elevations of units B9-01-D1, B9-01-D2, B9-01-D3 and B9-01-D4 in Block 09 shall be omitted and replaced with windows on the rear (southern) elevation.
- (i) At second floor level in Units B9-02-D1, B9-02-D3 in Block 09 shall be relocated from the eastern elevation and provided on the western elevation.
- (j) High level windows shall be provided on the southern elevation of duplex units B9-01-D1, B9-01-D2, B9-01-D3 and B9-01-D4 in Block 09. These windows shall be permanently fitted with obscure glazing.
- (k) The living rooms windows on the southern elevation of units B10-00-16, B10-01-25, B10-02-25 and B10-0-25 and the living room windows on the northern elevation of units B10-00-13, B10-01-21, B10-02-21 and B10-02-21 in Block 10 be permanently fitted with louvers or other appropriate screening.
- (l) A minimum 1.8 metres high screen shall be provided along the entire southern boundary of the area of communal open space at fourth floor level in Block 04.

In the interest of clarity, the proposed amendments would result in the omission of 35 no. studios, 186 no. 1-bed units, 2 no. 2-bed-3 person units, 2 no. 3-bed Duplex units and 2 no. 4-bed units and result in an additional 9 no. 2-bed-4

person units and 93 no. 3-bed units. The alterations conditioned above would result in a total of 852 no. units.

The revised plans and particulars showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure an appropriate mix of units generally in accordance with the Housing Need and Demand Assessment in Appendix 2 and Policy Objective PHP27 of the Dun Laoghaire Rathdown County Development Plan 2022-2028 and in the interest of residential amenity including improved access to daylight and to prevent undue overlooking.

5. (a) Prior to commencement of development, revised site layout plans shall be submitted to, and agreed in writing with, the planning authority which omit the proposed northernmost vehicular access onto Dundrum Road and provide an access which is suitable for pedestrian/cyclist/active travel access only with provision for emergency vehicular access and provision of access for general traffic only permitted in the event of an incident at the primary access/route.

(b) Prior to commencement of development, revised site layout plans shall be submitted to, and agreed in writing with the planning authority which demonstrate the provision of a signalised junction in the vicinity of the proposed southern vehicular access onto Dundrum Road. An independent Road Safety Audit shall be carried out in respect of the proposed works with all required changes to be carried out at the developer's expense.

Reason: In the interest of traffic safety.

6. Prior to commencement of development the applicant shall submit a detailed design of the internal cycle network, including connections between the internal cycle infrastructure and the external road network for the written agreement of the planning authority.

Reason: In the interest of sustainable travel and traffic safety.

7. Prior to commencement of development the applicant shall submit a detailed phasing plan for the written agreement of the planning authority.

Reason: In the interest of residential amenity.

8. A schedule of all materials to be used in the external treatment of the development to include a variety of high-quality finishes, such as brick and stone, roofing materials, windows and doors shall be submitted to and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity and to ensure an appropriate high standard of development.

9. Details of signage and hours of operation of the non-residential units shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

10. Details of the management and operation of the community facility in Block 06 shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

11. The boundary planting and public open space shall be landscaped in accordance with the landscape scheme submitted to An Bord Pleanála with this application, unless otherwise agreed in writing with the planning authority. The landscape scheme shall be implemented fully in the first planting season following completion of the development, and any trees or shrubs which die or are removed within three years of planting shall be replaced in the first planting season thereafter. This work shall be completed before any of the dwellings are made available for occupation. Access to green roof areas shall be strictly prohibited unless for maintenance purposes.

Reason: In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose.

12. Prior to commencement of development the applicant shall agree in writing with the Planning Authority the requirement for a piece of public art within the site. All works shall be at the applicant's expense.

Reason: In the interest of place making and visual amenity

13. The internal road network serving the proposed development, including the turning area, footpaths and kerbs shall comply with the detailed standards of the planning authority for such road works, and shall comply, in all respects, with the standards set out in the Design Manual for Urban Roads and Streets (DMURS).

Reason: In the interest of amenity and of traffic and pedestrian safety.

14. Prior to the occupation of the residential units, a Mobility Management Strategy shall be submitted to and agreed in writing with the planning authority. This shall provide for incentives to encourage the use of public transport, cycling, walking. The mobility strategy shall be prepared and implemented by the management company for all units within the development.

Reason: In the interest of encouraging the use of sustainable modes of transport.

15. The car parking facilities hereby permitted shall be reserved solely to serve the proposed development. Prior to the occupation of the development, a Parking Management Plan shall be prepared for the development and shall be submitted to and agreed in writing with the planning authority. This plan shall provide for the permanent retention of the designated residential parking spaces and shall indicate how these and other spaces within the development shall be assigned, segregated by use and how the car park shall be continually managed.

Reason: To ensure that adequate parking facilities are permanently available to serve the proposed residential units and to prevent inappropriate commuter parking.

16. A minimum of 10% of all car parking spaces shall be provided with functioning electric vehicle charging stations/points, and ducting shall be provided for all remaining car parking spaces, facilitating the installation of electric vehicle charging points/stations at a later date. Where proposals relating to the installation of electric vehicle ducting and charging stations/points have not been submitted with the application, in accordance with the above noted requirements, such proposals shall be submitted and agreed in writing with the planning authority prior to the occupation of the development.

Reason: To provide for and/or future proof the development such as would facilitate the use of electric vehicles

17. Electric charging facilities shall be provided for bicycle parking within the scheme. Plans and particulars showing compliance with this requirement shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of sustainable travel and residential amenity.

18. Public lighting shall be provided in accordance with a final scheme to reflect the indicative details in the submitted Public Lighting Report, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development/installation of lighting. Such lighting shall be provided prior to the making available for occupation of any house.

Reason: In the interests of amenity and public safety.

19. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -

- a. engage the services of a suitably qualified, licenced Archaeologist to carry out further archaeological testing and full excavation (preservation by record).
- b. Archaeological testing shall take place in the areas that remained untested at EIAR stage; i.e. eastern portion of Area A and the entirety of Area B (as shown on Fig. 14.5, page 386 of the EIAR). No groundworks shall be undertaken in

the absence of the archaeologist without his/her express consent. Archaeological Testing shall include:

- i. The archaeologist shall inspect the proposed development site (PDS), detail the historical and archaeological background of the site and review all cartographic sources and aerial photographs for the area.
- ii. The archaeologist shall then excavate further test trenches at locations chosen by the archaeologist, having consulted the site plans and geophysical survey in liaison with the Licensing Section of the National Monuments Service in locations labelled Area A and Area B. Excavation is to take place to the uppermost archaeological horizons only, where they survive. Where archaeological material is shown to be present, the archaeologist shall stop works pending further advice from the NMS (DHLGH). Please note that all features/archaeological surfaces within the test trenches are to be hand-cleaned and clearly visible for photographic purposes.
- iii. Having completed the work, the archaeologist shall submit a written report to the Local Authority and to the Department of Housing, Local Government and Heritage outlining the results of the test excavations. The report shall comment on the degree to which the extent, location and levels of all proposed foundations, service trenches and other sub-surface works required for the development will affect the archaeological remains. This should be illustrated with appropriate plans, sections, etc.
- iv. Where archaeological material is shown to be present, further mitigatory measures will be required; these may include but not be limited to the following: redesign to allow for preservation in situ, archaeological excavation and/or monitoring. The Department of Housing, Local Government and Heritage will advise the applicant and the Local Authority with regard to these matters.
- v. Archaeological excavation (preservation by record) shall take place under licence and following a method statement agreed and approved in

advance by the National Monuments Service of those areas identified in the EIAR, AA1–AA5, which revealed archaeological features after testing.

- vi. Having completed this work, the archaeologist shall submit a written preliminary stratigraphic report to the Local Authority and to the Department of Housing, Local Government and Heritage outlining the results of the excavations. This should be illustrated with appropriate plans, sections, etc. Within 12 months of the completion of the project the archaeologist shall submit a final report to the Local Authority and to the Department of Housing, Local Government and Heritage detailing the full archaeological excavation, and all specialist reports (where required).

Reason: To ensure the continued preservation (either in situ or by record) of places, caves, sites, features or other objects of archaeological interest.

20. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

Reason: To protect the residential amenities of property in the vicinity and the visual amenities of the area.

21. Proposals for a naming / numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signs, and apartment numbers, shall be provided in accordance with the agreed scheme. The proposed names shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development

shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

Reason: In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.

22. All service cables associated with the proposed development such as electrical, telecommunications and communal television shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

23. The developer shall enter into water and wastewater connection agreement with Irish Water, prior to commencement of development.

Reason: In the interest of public health.

24. Drainage arrangements, including the disposal and attenuation of surface water, shall comply with the requirements of the planning authority for such works and services.

Prior to commencement of development the developer shall submit to the Planning Authority for written agreement a Stage 2 - Detailed Design Stage Storm Water Audit.

Upon Completion of the development, a Stage 3 Completion Stormwater Audit to demonstrate Sustainable Urban Drainage System measures have been installed, and are working as designed and that there has been no misconnections or damage to storm water drainage infrastructure during construction, shall be submitted to the planning authority for written agreement.

Reason: In the interest of public health and surface water management

25. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation

from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity

26. A plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

27. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the "Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects", published by the Department of the Environment, Heritage and Local Government in July 2006.

Reason: In the interest of sustainable waste management.

28. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

29. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of public open spaces and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to occupation of the development.

Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

30. Prior to commencement of development, the developer or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.

31. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer

or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

32. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

33. The developer shall pay to the planning authority a financial contribution as a special contribution under section 48(2) (c) of the Planning and Development Act 2000 in respect of pedestrian and cycling infrastructure in Rosemont Green and the provision of a pedestrian and cycle link between the upgraded infrastructure and the subject site. The amount of the contribution shall be agreed between the planning authority and the developer, or in default of such agreement, the matter shall be referred to An Bord Pleanála for determination. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be updated at the time of payment in accordance with

changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office.

Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.

34. Prior to the lodgement of a commencement notice, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in accordance with the requirements of section 75(3) and (4) of Part 9 of the Land Development Agency Act 2021. In default of such agreement, the matter shall be referred to An Bord Pleanála for determination.

Reason: To comply with the requirements of Part 9 of the Land Development Agency Act 2021.

Note 1

In coming to this decision, the Board determined that the layout, volume, scale, massing of the development and the disposition of open spaces within the development would be fully in accordance with the proper planning and sustainable development of the area and would accord with the provisions of the Dun Laoghaire Rathdown County Development Plan 2022-2028.

In respect of the conditioned revisions to the apartment mix proposed in the application, the Board agreed with the Planning Authority that a reconfigured apartment mix in accordance with the requirements of Table 12.1 of the Dun Laoghaire Rathdown County Development Plan 2022-2028, consistent with Policy Objective PHP27 of same, namely that having no more than 30% of a combination of studio and one-bed units and having a minimum of 20% three bed units, was warranted. This mix is derived from the Housing Need Demand Assessment which forms part of the Dun Laoghaire Rathdown County Development Plan 2022-2028. The Planning Authority suggested a condition requiring a reconfigured apartment mix, and the Board determined that, such a revision to the apartment mix was

warranted, but the Board determined that the wording of any such condition needed to be precise.

In addition, while the Inspector has outlined a number of revisions to increase the number of 3-bed units within the scheme, the Board considered that the revisions recommended were not sufficient to comply with the housing mix required in Table 12.1 of the Dun Laoghaire Rathdown County Development Plan 2022-2028 and therefore have conditioned further revisions as outlined in Condition 4 to address the matter of compliance with the mix required in the Housing Need Demand Assessment.


If the applicant considers that the mix can be achieved by means of an alternative configuration within the blocks, a further application for permission for same could be made.

Note 2

In deciding not to accept the Inspector's recommendation to retain the height of the wall between the two entrances along the public road, the Board determined that the resonance of the cultural heritage and historical significance of the wall would remain in the totality of what is being retained, having regard to the height retained along the public road and the significant extent of wall which will remain around the site and which will be visible within and around the site.

Furthermore, in respect of the Planning Authority's recommendation in respect of retaining the wall in the vicinity of the gate lodge, it is considered that the proposal to remove the wall in the vicinity of the gate lodge so as to improve permeability into the site particularly for pedestrians and cyclists will provide the gate lodge with a new setting reflective of the new purpose and function proposed within the structure.

Board Member



Una Crosse

Date: 18/05/2023